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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

HAMRICK & EVANS, LLP,

Plaintiff and Respondent,

v.

DAVID SILVER,

Defendant and Appellant.

B287437

(Los Angeles County
Super. Ct. No. BC663869)

APPEAL from a judgment of the Superior Court of
Los Angeles County. Gregory Wilson Alarcon, Judge. Affirmed.

David Silver, in pro. per., for Defendant and Appellant.

Hamrick & Evans, A. Raymond Hamrick, III and Neer
Lerner for Plaintiff and Respondent.

David Silver (Silver) appeals from a default judgment in favor of plaintiff and respondent Hamrick & Evans, LLP (H&E). We find no error and affirm.

FACTS

In November 2017, H&E filed a request for default judgment in the amount of \$96,378.94 against Silver. The trial court entered judgment accordingly. Subsequently, Silver filed this appeal.

We dismissed this appeal on April 19, 2018. Remittitur issued on June 20, 2018. Then, on July 30, 2018, we recalled the remittitur and vacated the dismissal.

DISCUSSION

Silver identifies the appellate issues as: (1) whether H&E lacked standing to request default judgment because it took more than 30 days to serve process; (2) whether the trial court erred by giving notice that it would rule on the request for default judgment on November 6, 2017, when it instead entered default judgment on November 8, 2017; (3) whether the trial court erred by not serving any documents on Silver; (4) whether H&E committed extrinsic fraud by sending notice of the case management conference to Silver's former office address instead of to his legal address; (5) whether the default judgment is void due to lack of notice; and (6) whether a July 30, 2018, order recalling remittitur and vacating dismissal of this appeal reduced or eliminated the judgment.

As a preliminary matter, we note that Silver improperly attached various exhibits to his opening brief.¹ California Rules of Court, rule 8.204(d) provides that exhibits or other materials

¹ We deny Silver's request for the exhibits to be considered.

may be attached to an appellate brief, but only if they are otherwise in the appellate record. The appellate record contains only the request for default judgment and default judgment. We must limit our review to only those documents. Regardless, even if we considered the exhibits to Silver's opening brief, his arguments do not establish reversible error.

Other than his remittitur and service of process arguments, Silver's position essentially boils down to a claim that the judgment is void due to lack of various notices based on either the alleged fault of the trial court or alleged extrinsic fraud by H&E. But Silver cites no law providing that he can raise these challenges for the first time on appeal. Moreover, our own research has not revealed any case law or statutes obviating the need for Silver to first file a motion pursuant to Code of Civil Procedure section 473, subdivision (d)—the statute permitting a party to move to set aside a void judgment—or to attack the judgment either directly or collaterally through common law remedies. (*County of San Diego v. Gorham* (2010) 186 Cal.App.4th 1215, 1229 [noting the various methods for attacking void judgments based on lack of due process].)

Silver avers that H&E lacks standing because it served him more than 31 days after the complaint was filed on June 5, 2017. He cites no law supporting his argument. Notably, Code of Civil Procedure section 583.210, subdivision (a) provides that a summons and complaint "shall be served upon a defendant within three years after the action is commenced against the defendant. For the purpose of this subdivision, an action is commenced at the time the complaint is filed."

Finally, Silver cites no law establishing that our order recalling the remittitur and vacating the dismissal of this appeal had any effect on the judgment.

“When an appellant fails to raise a point, or asserts it but fails to support it with reasoned argument and citations to authority, we treat the point as waived. [Citations.]” (*Nelson v. Avondale Homeowners Assn.* (2009) 172 Cal.App.4th 857, 862.) Given that all of Silver’s arguments lack legal support, we deem each of them waived.

DISPOSITION

The judgment is affirmed. H&E is entitled to recover its costs on appeal.

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_____, J.
ASHMANN-GERST

We concur:

_____, P. J.
LUI

_____, J.
CHAVEZ